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UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION

KOUNT INC., a Delaware corporation,

Case No. 3:09-CV-00255-AC

Plaintiff,

STIPULATION, JOINT MOTION TO  
DISMISS, AND ~~PROPOSED~~ ORDER  
OF DISMISSAL

v.

IOVATION INC., a Delaware corporation,

Defendant.

**STIPULATION AND JOINT MOTION TO DISMISS**

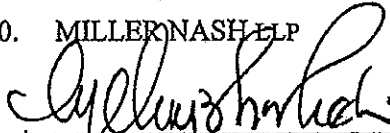
Plaintiff Kount Inc. ("Kount") and defendant iovation Inc. ("iovation") have amicably settled the claims asserted between them in this action. Accordingly, pursuant to Federal Rule of Civil Procedure 41(a), Kount and iovation hereby stipulate and jointly move the

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Court to dismiss with prejudice all claims and counterclaims in this action. Iovation further stipulates that it will not oppose the Objections to Findings and Recommendation filed in this action on December 6, 2010 by Kount. Each party will bear its own costs and attorney fees.

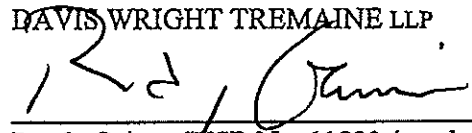
It is so STIPULATED:

DATED this 21<sup>st</sup> day of December, 2010. MILLER NASH LLP

  
\_\_\_\_\_  
M. Christie Helmer, OSB No. 743400  
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*Attorneys for Plaintiff Kount Inc.*

DATED this 21<sup>st</sup> day of December, 2010. DAVIS WRIGHT TREMAINE LLP

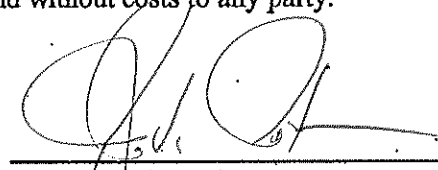
  
\_\_\_\_\_  
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*Attorneys for Defendant Iovation Inc.*

**ORDER**

The Court, having been advised of the foregoing stipulation, hereby ORDERS that this matter is dismissed with prejudice and without costs to any party.

DATED this 27<sup>th</sup> day of December, 2010.

  
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The Honorable John V. Acosta  
United States Magistrate Judge